


MIRIAM A. MABRY,)
)
Plaintiff,)
)
v.) 1:03CV848
)
THE WESTERN AND SOUTHERN)
LIFE INSURANCE COMPANY,)
)
Defendant.)

For the reasons discussed in the Memorandum Opinion filed contemporaneously herewith, the Court will view Plaintiff's Response [Document #29] as an Amendment to her Complaint as of right pursuant to Federal Rule of Civil Procedure 15(a). As a result, and for the reasons discussed in the Memorandum Opinion, Defendant's Motion to Dismiss [Document #26] will be DENIED, without prejudice to Defendant raising its contentions as part of a motion for summary judgment after a reasonable period for discovery as provided by the Local Rules.


United States District Judge